

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

James Anderson McClellan,

Plaintiff,

v.

Steve W. Fowler; Doris Poulos O'Hara,

Defendants.

C/A: 4:23-cv-1151-SAL

ORDER

Plaintiff James Anderson McClellan, proceeding pro se, filed this action against Steve W. Fowler and Doris Poulos O'Hara. This matter is before the court on the Report and Recommendation (the "Report") issued by United States Magistrate Judge Molly H. Cherry, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending summary dismissal of this case. [ECF No. 9.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 9. Plaintiff has not filed objections, and the time for doing so has expired.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must "only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 12, and incorporates the Report by reference herein. As a result, this matter is **SUMMARILY DISMISSED** without leave to amend and without issuance and service of process.

IT IS SO ORDERED.

October 6, 2023
Columbia, South Carolina


Sherri A. Lydon
United States District Judge